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EXAMINER

OLSON, LARS A

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/606,433

Applicant(s)

LIN, JOSEPH

Examiner

Lars A. Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20,30 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02142005, 08152005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. An amendment was received from the applicant on August 15, 2005.
2. Claims 21-29 have been canceled.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 8, 16, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran (US 5,647,784) in view of Schneider et al. (US 5,211,593) and Yeh (US 6,106,345).

Moran discloses a bodyboard and a method for making said bodyboard, as shown in Figures 1-4, said bodyboard being comprised of a foam core portion, defined as Part #14, with a top and a bottom surface, a first binding layer, defined as Part #36, that is laminated on the outside of said top surface, an upper skin, defined as Part #24, that is laminated on the outside of said first binding layer, a second binding layer, defined as Part #36, that is laminated on the outside of said bottom surface, and a lower skin, defined as Part #26, that is laminated on the outside of said second binding layer.

Moran, as set forth above, discloses all of the features claimed except for the use of first and second graphics layers that are bonded to the outside of said first and

second binding layers, respectively, and first and second protection layers that are bonded to the outside of said first and second graphics layers, respectively.

Schneider et al. discloses a bodyboard, as shown in Figures 1-5, that is comprised of a foam core portion, defined as Part #10, with a top surface, defined as Part #12, and a bottom surface, defined as Part #14, a first binding layer, defined as Part #44, that is laminated on the outside of said top surface, a first clear layer with imprinted graphics, defined as Part #46, that is laminated on the outside of said first binding layer, a second binding layer, defined as Part #44, that is laminated on the outside of said bottom surface, and a second clear layer with imprinted graphics, defined as Part #46, that is laminated on the outside of said second binding layer, as described in lines 2-10 of column 5.

Yeh discloses a bodyboard, as shown in Figures 4-11, that is comprised of a board, defined as Part #20, and a protection layer, defined as Part #21, that is laminated to the top and bottom surfaces of said board, where said protection layer protects said board from contact with water, dirt and ultraviolet light.

The use of a clear protection layer over the outer surface of a bodyboard would have been considered by one of ordinary skill in the art to be an obvious design choice in order to allow a surface or layer beneath said protection layer to remain visible.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a bodyboard with first and second graphics layers, as taught by Schneider et al., and first and second protection layers, as taught by Yeh, in combination with the bodyboard and method as disclosed by Moran for the purpose of

providing imprinted graphics on the top and bottom surfaces of a bodyboard, as well as a protection layer that does not obscure imprinted graphics on the top and bottom surfaces of said bodyboard.

5. Claims 2, 9 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran in view of Schneider et al. and Yeh, and further in view of Szabad, Jr. (US 4,850,913).

Moran in combination with the teachings of Schneider et al. and Yeh shows all of the features claimed except for the use of a polyethylene layer that is applied between said top and bottom surfaces of said foam core and first and second outer layers, as well as a foam core made from polyethylene layers.

Szabad, Jr. discloses a sports board, as shown in Figures 1-3, with a LDPE foam core, defined as Part #4, having a density of 2-4 pcf, a polyethylene foam top layer, defined as Part #8, having a density of 4-8 pcf, and a polyethylene foam bottom layer, also defined as Part #8, and also having a density of 4-8 pcf, where said top and bottom foam layers are laminated to top and bottom surfaces of said foam core, respectively, as shown in Figure 3, in order to form a foam core from a plurality of polyethylene layers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a board with a foam core made from a plurality of polyethylene foam layers, as taught by Szabad, Jr., in combination with the bodyboard and method as disclosed by Moran and the teachings of Schneider et al. and Yeh for

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the purpose of providing a bodyboard with a multi-layer polyethylene foam core for increased strength and reduced water absorption.

6. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran in view of Schneider et al. and Yeh, and further in view of D'Luzansky et al. (US 5,275,860).

Moran in combination with the teachings of Schneider et al. and Yeh shows all of the features claimed except for the use of a protection layer that is made from HDPE and has either a slick or a rough surface texture.

D'Luzansky et al. discloses a bodyboard, as shown in Figures 1-3, that is comprised of a foam core, defined as Part #22, an intermediate top layer, defined as Part #40, a top surface skin, defined as Part #21, that is made from HDPE and has a rough texture for slip resistance, an intermediate bottom layer, defined as Part #41, a bottom foam layer, defined as Part #43, and a bottom surface skin, defined as Part #45, that is made from HDPE and has a low friction surface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a bodyboard with top and bottom protection layers that are made from HDPE and have either slick or rough surface textures, as taught by D'Luzansky et al., in combination with the bodyboard as disclosed by Moran and the teachings of Schneider et al. and Yeh for the purpose of providing a bodyboard with an outer protection layer that either has a rough texture surface in order to improve purchase for a rider, or a smooth texture surface to reduce water friction.

7. Claims 7 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran in view of Schneider et al., Yeh and Szabad, Jr., and further in view of D'Luzansky et al.

Moran in combination with the teachings of Schneider et al., Yeh and Szabad, Jr. shows all of the features claimed except for the use of a protection layer that has either a slick or a rough surface texture.

D'Luzansky et al., as previously cited, discloses a bodyboard that is comprised of a foam core, defined as Part #22, an intermediate top layer, defined as Part #40, a top surface skin, defined as Part #21, that is made from HDPE and has a rough texture for slip resistance, an intermediate bottom layer, defined as Part #41, a bottom foam layer, defined as Part #43, and a bottom surface skin, defined as Part #45, that is made from HDPE and has a low friction surface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a bodyboard with top and bottom protection layers that have either slick or rough surface textures, as taught by D'Luzansky et al., in combination with the bodyboard as disclosed by Moran and the teachings of Schneider et al., Yeh and Szabad, Jr. for the purpose of providing a bodyboard with an outer protection layer that either has a rough texture surface in order to improve purchase for a rider, or a smooth texture surface to reduce water friction.

8. Claims 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran in view of Schneider et al., Yeh and Szabad, Jr., and further in view of Moran (US 5,114,370).

Moran in combination with the teachings of Schneider et al., Yeh and Szabad, Jr. shows all of the features claimed except for the use of a protection layer that is made from PVC and has a slick surface texture.

Moran (US 5,114,370) discloses a bodyboard, as shown in Figures 1-9, with a protection layer, defined as Part #28 or 30, that can be made from PVC and have a slick surface texture, as described in lines 60-68 of column 3, and lines 1-4 of column 4.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a bodyboard with a protection layer that is made from PVC and has a slick surface texture, as taught by Moran (US 5,114,370), in combination with the bodyboard and method as disclosed by Moran and the teachings of Schneider et al., Yeh and Szabad, Jr. for the purpose of providing a bodyboard with a PVC protection layer with a slick surface texture for increased strength and reduced water friction.

### ***Response to Arguments***

9. Applicant's arguments filed on August 15, 2005 regarding claims 1-20, 30 and 31 have been fully considered but they are not persuasive.

10. The applicant argues that Moran (US 5,647,784) in view of Schneider et al. (US 5,211,593) and Yeh (US 6,106,345) does not disclose all of the features claimed because Schneider et al. does not teach a discrete graphics layer that is laminated to a separate binding layer, and Yeh does not disclose a clear protection layer.



11. In response to the applicant's argument, Moran discloses a bodyboard having a foam core portion with top and bottom surfaces, a first binding layer that is laminated on the outside of said top surface, an upper skin that is laminated on the outside of said first binding layer, a second binding layer that is laminated on the outside of said bottom surface, and a lower skin that is laminated on the outside of said second binding layer. Schneider et al. discloses a bodyboard having a foam core portion with top and bottom surfaces, a first binding layer that is laminated on the outside of said top surface, a first clear layer with imprinted graphics that is laminated on the outside of said first binding layer, a second binding layer that is laminated on the outside of said bottom surface, and a second clear layer with imprinted graphics that is laminated on the outside of said second binding layer. Yeh discloses a bodyboard having a board with a protection layer that is laminated on top and bottom surfaces of said board. Since Yeh does not claim a specific color for said protection layer, or any color at all, a protection layer of any color would fall within the scope of the claims. Thus, there is sufficient motivation to replace the upper and lower skins as disclosed by Moran with the first and second layers with imprinted graphics as disclosed by Schneider et al. in order to provide a bodyboard with colorful imprinted graphics. There is also sufficient motivation to add the protection layer as disclosed by Yeh to the bodyboard as disclosed by Moran in combination with the teachings of Schneider et al. for the purpose of providing a bodyboard with improved protection from contact with water, dirt and ultraviolet light. Therefore, for the reasons given above, the rejection of claims 1-20, 30 and 31 is deemed proper and is not withdrawn.

**Conclusion**

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

October 4, 2005

**LARS A. OLSON**  
**PRIMARY EXAMINER**

*Lars Olson*  
10/4/05